

REMARKS

Applicants have received both Office Actions dated September 2, 2004, and October 29, 2004. Because the September 2 Office Action erroneously included paragraph 6, the Examiner issued the second Office Action dated October 29, 2004. The October 29 Office Action does not contain the mentioned paragraph 6, and replaces the September 2 Office Action (see form PTO-90C of October 29 Office Action). This reply is appropriately in response to the Office Action of October 29, 2004.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

In the present reply, claims 1 and 14 have been amended. Claims 26-28 have been withdrawn (see paragraphs 1-2 of the October 29 Office Action). Claims 14-18 and 25 have been allowed (see paragraph 5 of the October 29 Office Action). Thus, in the present application, claims 1-28 are pending.

No new matter has been added by way of these amendments because each amendment is supported by the present specification and/or is editorial in nature. For example, the amendment to claim 1 merely deletes subject matter. Also, this amendment has support in originally filed claim 1 and in the specification at, e.g., pages 6-7. The amendment to claim 14 is clearly clarifying in nature, and is not in response to any outstanding objection or rejection (i.e., not for patentability purposes). Thus, Applicants in no way are conceding any

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limitations with respect to the interpretation of this claim under the Doctrine of Equivalents.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. § 112, Second Paragraph

Claims 1-13 and 19-24 stand rejected under 35 U.S.C. § 112, second paragraph for a reason of indefiniteness (see paragraphs 3-4 of the Office Action). Applicants respectfully traverse, and reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner states that it is understood how particles can be withdrawn from the reactor, but questions how particle agglomerates can be recovered separately from the reactor (see paragraph 4 of the Office Action). In this regard, Applicants respectfully submit that one of skill in the art would understand the scope of the present invention as including recovery based upon the disclosure in the present specification (i.e., see page 5, lines 19-26). Still, Applicants respectfully refer the Examiner to the scope of claim 1 as presented, wherein the particle agglomerates are withdrawn from the reactor. Because this claim complies with the Examiner's understanding,

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Applicants submit that this rejection has been overcome. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Paragraphs 5-6 of the Office Action

Applicants appreciate the consideration given the allowed claims. Though some features of the allowed claims are bolded at page 4 of the Office Action, Applicants note that not all features are necessary to overcome the disclosure of the cited references since even the closest cited reference (Bernier et al.) fails to disclose more than one feature of the present invention. Thus, Applicants do not concede any limitations with respect to the interpretation of the allowed claims under the Doctrine of Equivalents.

Also, Applicants respectfully submit that the only rejection in the Office Action has been overcome with the reply herein. Thus, a declaration of allowable subject matter for all other pending claims is respectfully requested.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants appreciate the consideration given to the present application. Also, Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus,

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Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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